

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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)
) 03 MDL No. 1570 (RCC)
ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANT DR. ABDULLAH BIN SALEH AL-OBaid'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Dr. Abdullah bin Saleh Al-Obaid. I submit this declaration to transmit to the Court the following documents submitted in support of Dr. Al-Obaid's motion to dismiss (April 9, 2004) and his reply brief submitted in support of his motion to dismiss (July 30, 2004):

1. Exhibit 1 to Dr. Al-Obaid's motion to dismiss is a copy of the Declaration of Dr. Abdullah bin Saleh Al-Obaid (March 29, 2004).

2. Exhibit 2 to Dr. Al-Obaid's motion to dismiss is a copy of the Declaration of Abdulaziz H. Al Fahad (April 6, 2003).

3. Exhibit 3 to Dr. Al-Obaid's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

4. Exhibit 1 to Dr. Al-Obaid's reply brief is a copy of U.S. Department of the Treasury, "Treasury Department Statement on the Designation of Wa'el Hamza Julidan," online

at <http://www.treas.gov/press/releases/po3397.htm> (Sept. 6, 2002).

5. Exhibit 2 to Dr. Al-Obaid's reply brief is a copy of U.S. Department of the Treasury, "Treasury Department Releases List of 39 Additional Specially Designated Global Terrorists," online at <http://www.treas.gov/press/releases/po689.htm> (Oct. 12, 2001).

6. Exhibit 3 to Dr. Al-Obaid's reply brief is a copy of excerpts of the transcript of the Motions Hearing held on June 24, 2003, before Judge Robertson, in Burnett, et al. v. Al Baraka Invest. & Devel. Corp., et al., No. 02-CV-1616 (JR) (D.D.C.).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 30, 2004.

/s/ Alan R. Kabat

ALAN R. KABAT